

<p>Attorney or Party Name, Address, Telephone & FAX Numbers, State Bar Number & Email Address</p> <p>RICHARD G. HESTON ESQ. HESTON & HESTON, Attorneys at Law 19700 Fairchild Road Suite 280 Irvine, CA 92612 (949) 222-1041 Telephone (949) 222-1043 Facsimile rheston@hestonlaw.com SBN: 90738</p> <p><input type="checkbox"/> Debtor appearing without attorney <input checked="" type="checkbox"/> Attorney for: Debtor</p>	<p>FOR COURT USE ONLY</p> <div style="border: 1px solid black; padding: 10px; text-align: center;"> <p>FILED & ENTERED</p> <p>APR 13 2021</p> <p>CLERK U.S. BANKRUPTCY COURT Central District of California BY wesley DEPUTY CLERK</p> </div>
<p>UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA – <u>LOS ANGELES</u> DIVISION</p>	
<p>In re:</p> <p>MODESTA CARIDAD LLIZO</p> <p>Debtor(s).</p>	<p>CASE NUMBER: 2:20-bk-13033-BB CHAPTER: 7</p> <p>ORDER <input checked="" type="checkbox"/> GRANTING <input type="checkbox"/> DENYING DEBTOR'S MOTION TO AVOID LIEN UNDER 11 U.S.C.§ 522(f) (REAL PROPERTY)</p> <p><input checked="" type="checkbox"/> No hearing held <input type="checkbox"/> Hearing held DATE: TIME: COURTROOM: ADDRESS:</p>

The Motion was: Opposed Unopposed Settled by stipulation

Pursuant to 11 U.S.C. § 522(f), Debtor moved to avoid a judicial lien on real property claimed to be exempt. The court finds and orders as follows:

1. Notice of this Motion complied with LBR 9013-1(d).
2. Notice of this Motion complied with LBR 9013-1(o).
 - a. There was no opposition and request for hearing.
 - b. Hearing requested and held as indicated in the caption.
3. Motion granted as set forth in the **Attachment** to this order.
4. Motion denied on the following grounds: with prejudice without prejudice

“Bankruptcy Code” and “11 U.S.C.” refer to the United States Bankruptcy Code, Title 11 of the United States Code. “FRBP” refers to the Federal Rules of Bankruptcy Procedure. “LBR” and “LBRs” refer to the Local Bankruptcy Rule(s) of this court.

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- a. Insufficient notice
- b. Insufficient evidence of the exempt status of the property in question
- c. Failure to comply with FRBP 7004(b)(3) or FRBP 7004(h).
- d. Insufficient evidence of fair market value.
- e. Motion is incomplete.
- f. Other (*specify*):

5. The court further orders as follows (*specify*):

- See attached page

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Date: April 13, 2021



Sheri Bluebond
United States Bankruptcy Judge

**ATTACHMENT TO MOTION/ORDER
(11 U.S.C. § 522(f): AVOIDANCE OF REAL PROPERTY JUDICIAL LIENS)**

This court makes the following findings of fact and conclusions of law:

1. **Creditor Lienholder/Servicer:** BAG FUND, LLC
2. **Subject Lien:** Date (*specify*): 7/3/2006 and place (*specify*): Los Angeles County Recorder of recordation of lien; Recorder's instrument number or document recording number: 031470937.
3. **Collateral:** Street address, legal description and/or map/book/page number, including county of recording: 7604 Stewart and Gray Road, Unit #A, Downey, CA 90241.

Legal Description:

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF DOWNEY, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

A CONDOMINIUM COMPRISED OF:

PARCEL 1:

AN UNDIVIDED 1/8TH INTEREST IN AN TO ALL THAT PORTION OF LOT 1 OF TRACT MAP NO 53073, IN THE CITY OF DOWNEY, COUNTY LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 1251, PAGES 24 AND 25 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, SHOWN AND DEFINED AS "COMMON AREA" ON THE CONDOMINIUM PLAN RECORDED FEBRUARY 20, 2001, AS INSTRUMENT/FILE NO. 01-0280546, OF OFFICIAL RECORDS OF SAID COUNTY

EXCEPTING THEREFROM EASEMENTS, AS SUCH EASEMENTS ARE SET FORTH IN THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED FEBRUARY 20, 2001, AS INSTRUMENT/FILE NO. 01-0280547, OF OFFICIAL RECORDS OF SAID COUNTY, AND ANY NOW OR HEREAFTER RECORDED AMENDMENTS THERETO.

PARCEL 2:

ALL THAT PORTION OF LOT OF TRACT MAP NO. 53073 SHOWN AND DEFINED AS UNIT NO. 5 ON SAID CONDOMINIUM PLAN.

PARCEL 3:

NON-EXCLUSIVE EASEMENTS FOR BENEFIT OF AND APPURtenant TO PARCELS 1 AND 2 ABOVE, SUCH EASEMENTS ARE SET FORTH IN THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED FEBRUARY 20, 2001, AS INSTRUMENT/FILE NO. 01-0280547, OF OFFICIAL RECORDS OF SAID COUNTY, AND ANY NOW OR HEREAFTER RECORDED AMENDMENTS THERETO (THE "DECLARATION").

APN: 6242-013-046

EXCEPT THEREFROM all oil, gas, minerals, and other hydrocarbon substances lying below the surface of said land, but with no right of surface entry, as provided in Deeds of Record. See attached page.

4. Secured Claim Amount

- a. Value of Collateral: \$455,000.00
- b. Amounts of Senior Liens (reducing equity in the property to which the Subject Lien can attach):
 - (1) First lien: (\$336,101.81)
 - (2) Second lien: (\$22,687.76)
 - (3) Third lien: (\$0.00)
 - (4) Additional senior liens (*attach list*): (\$0.00)
- c. Amount of Debtor's exemption(s): (\$175,000.00)

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d. Subtotal: (\$533,789.57)
e. Secured Claim Amount (negative results should be listed as -\$0-): \$0

Unless otherwise ordered, any allowed claim in excess of this Secured Claim Amount is to be treated as a nonpriority unsecured claim and is to be paid *pro rata* with all other nonpriority unsecured claims (in Chapter 13 cases, Class 5A of the Plan).

5. Lien avoidance: Debtor's request to avoid the Subject Lien is granted as follows. The fixing of the Subject Lien impairs an exemption to which Debtor would otherwise be entitled under 11 U.S.C. § 522(b). The Subject Lien is not a judicial lien that secures a debt of a kind that is specified in 11 U.S.C. § 523(a)(5) (domestic support obligations). The Subject Lien is void and unenforceable except to the extent of the Secured Claim Amount, if any, listed in paragraph 4.e. above.

See attached page(s) for more liens/provisions.